

**BELLA SERA  
THREE-LOT MINOR SUBDIVISION AND VARIANCE REQUEST  
STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS**

**CASE PLANNER:** Tristan Riddell *TR*

**REVIEWED/  
APPROVED BY:** John Lavey *JL*

**PUBLIC MEETINGS:** BCC Public Meeting: 9:00 a.m. June 17, 2008  
Deadline for BCC action (35 working days): June 27, 2008

**SUBDIVIDER:** Joyce Shimmon  
984 Hamilton Heights Road  
Corvallis, MT 59828

**REPRESENTATIVE:** Alcyon, LLC  
George Marshall  
PO Box 218  
Hamilton, MT 59840

**LOCATION OF REQUEST:** The property is located southeast of Corvallis off Hamilton Heights Road. (See Map 1)



**Map 1: Location Map**  
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION  
OF PROPERTY:**

NW ¼ of Section 13, T6N, R20W, P.M.M., Ravalli County, Montana.

**APPLICATION  
INFORMATION:**

The subdivision application was determined sufficient on May 2, 2008. Agencies were notified of the subdivision on October 22, 2007 and March 20, 2008. Comments received from agencies are Exhibits A-1 through A-12 of the staff report. **This subdivision is being reviewed under the Ravalli County Subdivision Regulations (RCSR) amended May 24, 2007.**

**LEGAL NOTIFICATION:**

Notice of the project was posted on the property and adjacent property owners were notified by mail dated June 2, 2008. Public comments are included as Exhibits B-1 through B-4.

**DEVELOPMENT  
PATTERN:**

Subject property:	Large lot residential
North:	Agricultural
South:	Agricultural/Residential
East:	Agricultural/Residential
West:	Agricultural/Residential

**INTRODUCTION**

Bella Sera is a three-lot minor subdivision proposed on 35.26 acres. The proposal is for three residential lots. Lots will be served by individual wells and septic systems. There is currently one existing residence on the property.

The applicant has requested a variance from Section 5-4-4(h), Table B-1 of the RCSR to allow the internal cul-de-sac road to exceed the maximum length of 1,400 feet. Chapter 2 of the RCSR defines cul-de-sac road as "a street having only one outlet for vehicular traffic and terminating in a vehicle turn-around area". The proposed internal cul-de-sac road (Bella Sera Way) is approximately 2,150 feet in length.

*Staff recommends conditional approval of the subdivision proposal and approval of the variance.*

RAVALLI COUNTY BOARD OF COMMISSIONERS

JUNE 17, 2008

BELLA SERA

THREE-LOT MINOR SUBDIVISION AND VARIANCE REQUEST

**PLANNING STAFF RECOMMENDED MOTION**

1. That the variance request from Section 5-4-4(h), Table B-1 of the Ravalli County Subdivision Regulations to allow for a maximum cul-de-sac length to exceed 1400-feet, be **approved**, based on the findings of fact and conclusions of law in the staff report.
2. That the Bella Sera Minor Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

**PLANNING STAFF RECOMMENDED CONDITIONS**

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

***Notification of Proximity to Agricultural Operations.*** This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (Section 3-2-8(b)(v), RCSR, Effects on Agriculture)

***Notification of Irrigation Facilities and Easements.*** Within this subdivision there are irrigation and drainage easements, as shown on the final plat. All downstream water right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. (Section 3-2-8(a) and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities)

***Notification of Water Rights.*** No lots within this subdivision have the right to take water from the BRID Canal. Taking water without a water right for any purpose is illegal. Residents should consult with the Montana Department of Natural Resources for questions on water rights. (Section 3-2-8(b)(v)(B), RCSR, Effects of Agricultural Water User Facilities)

***Notification of Setback from BRID Canal.*** Within this subdivision there is a 50-foot setback along the entire northern property boundary, along the BRID Canal. No new structure may be constructed in this area. Roads, trails, and utility crossings through this area is not permitted. However, the proper use of chemicals or other methods of control for noxious weeds is allowed. Activities associated with the maintenance and upkeep of the BRID canal are permitted. (Section 3-2-8(b)(v), RCSR, Effects on Agricultural Water User Facilities & Public Health and Safety)

***Notification of Road Maintenance Agreement.*** The internal subdivision road is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A road maintenance agreement for the road was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. (Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)

**Notification of No-Build/Alteration Zones.** Within this subdivision there are no-build/alteration zones, as shown on the plat, to restrict building in areas with steep slopes associated with the gravel pit. No new structure, with the exception of fences, may be constructed in these areas. No new utilities may be constructed in these areas. No fill may be placed in these areas and the vegetation shall be retained in its natural condition. Roads, trails, and utility crossings through these areas are not permitted. **(NOTE: Should the subdivider choose to fill the gravel pit this may be removed from the Notifications Document.)** (Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health & Safety)

**Notification of "very limited" Soils.** Within this subdivision there are areas of the property identified as potentially having soils rated as "very limited" for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the very limited and severe soils in question are included as exhibits to this document [the applicant shall include the reduced plat and exhibits as attachments]. (Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health and Safety)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

**Living with Wildlife.** Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Each lot owner shall obtain or be provided and read a copy of the brochure "Living with wildlife," available from the Montana Fish, Wildlife & Parks office in Missoula. Contact Fish, Wildlife & Parks for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at [www.fwp.mt.gov](http://www.fwp.mt.gov). (Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Wildlife & Wildlife Habitat)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. There is high potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners must be aware of this potential damage. They should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees or orchards** are a major wildlife attractant, and fruit-bearing trees and shrubs can regularly attract bears in the fall. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or vegetable material can attract bears, skunks and other wildlife. Gardens should be fenced with one-foot of fencing material below ground level and be at least eight feet in height, in order to discourage wildlife such as deer from feeding in gardens. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries.
- c. If stored outdoors, **garbage** should be in secure bear-resistant containers; otherwise it should be stored indoors prior to curbside pick-up or transport to a centralized garbage collection site, in order to avoid attracting wildlife such as bears and raccoon. If curbside

garbage pick-up is available, garbage cans may not be set out until the morning of garbage pickup and must be brought in no later than that same evening.

- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e. **Birdseed** is an attractant to bears. If used, bird feeders must: a) be suspended a minimum of 15 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets and/or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors, and permanent outdoor barbecue grills are discouraged. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears and should be avoided. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- a. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

**Lighting for New Construction.** To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing

light to shine down towards the subject that is to be lighted. For more information, visit [www.darksky.org](http://www.darksky.org). (Section 3-2-8(b)(v), RCSR, Effects on Natural Environment)

**Radon Exposure.** The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. (Section 3-2-8(b)(v), RCSR, Effects on Public Health & Safety)

**Irrigation Facilities and Easement.** Within this subdivision there are irrigation easements, as shown on the final plat. All downstream water right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. (Section 3-2-8(a) and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities)

**Setback from BRID Canal.** Within this subdivision there is a 50-foot wide setback from the BRID Canal, along the entire northern property boundary. No new structure may be constructed in this area. Roads, trails, and utility crossings through this area is not permitted. However, the proper use of chemicals or other methods of control for noxious weeds is allowed. Activities associated with the maintenance and upkeep of the BRID canal are permitted. (Section 3-2-8(b)(v), RCSR, Effects on Agricultural Water User Facilities & Public Health and Safety)

**Maintenance of fencing along BRID Canal.** The homeowners shall be responsible for maintaining the safety fencing located along the northern subdivision boundary. Each lot owner shall be responsible for maintaining the portion of the fence on their lot to meet the specifications in Section 5-6-2(b) of the Ravalli County Subdivision Regulations. (Section 3-2-8(b)(v), RCSR, Effects on Public Health & Safety)

**Control of Noxious Weeds.** A Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Natural Environment)

**Required Posting of County-Issued Addresses for Lots within this Subdivision.** The Corvallis Rural Fire District has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

**Notification of No-Build/Alteration Zones.** Within this subdivision there are no-build/alteration zones, as shown on the plat, to restrict building in areas with steep slopes associated with the gravel pit. No new structure, with the exception of fences, may be constructed in these areas. No new utilities may be constructed in these areas. No fill may be placed in these areas and the vegetation shall be retained in its natural condition. Roads, trails,

and utility crossings through these areas are not permitted. **(NOTE: Should the subdivider choose to fill the gravel pit this may be removed from the Covenants Document.)**  
(Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health & Safety)

**Access Requirements for Lots within this Subdivision.** The All Valley Fire Council, which includes the Corvallis Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

**Building Standards.** The All Valley Fire Council recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code requirements. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

**Wood Stoves.** The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (Section 3-2-8(b)(v)(B), RCSR, Effects on the Natural Environment)

**Archeological Resources.** If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. (Section 3-2-8(b)(v), RCSR, Effects on Natural Environment)

**Amendment.** Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (Section 3-2-8(b)(v), RCSR, Effects on all six criteria)

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)

4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued address for all lots. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
5. Prior to final plat approval, the subdividers shall provide a letter from the Corvallis Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot. Alternatively, the subdividers may provide evidence that an amount-per-lot contribution has been submitted to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Corvallis Rural Fire District, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information". *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
7. The subdivider shall submit a letter or receipt from the Corvallis School District stating that they have received a (amount to be determined at the Commissioner meeting) per lot contribution prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services)*
8. The subdivider shall submit (amount to be determined at the Commissioner meeting) per lot to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)*
9. The internal subdivision road shall be labeled as a public road and utility easement on the final plat. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)*
10. A stop sign and road name sign shall be installed at the intersection of the internal subdivision road and Hamilton Heights Road prior to final plat approval. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety)*
11. The final plat shall show a 50-foot wide setback from the BRID Canal along the entire northern boundary of the property. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities & Public Health and Safety)*
12. Staff recommends that the applicant negotiate a contribution with the BCC, to be deposited into an account for the Open Lands Program, as a way of offsetting the loss of prime farmlands. *(Section 3-2-8(b)(v), RCSR, Effects on Agricultural)*
13. The applicant shall fill the gravel pit located on Lot 2. Alternatively, the gravel pit shall be graded at a slope of 2:1 and be labeled as a no-build/alteration zone on the final plat. *(Section 3-2-8(b)(v), RCSR, Effects on Public Health and Safety)*

#### **FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)**

*The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.*



1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
2. One paper and two Mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. In accordance with the conditions of approval and RCSR Section 3-4-4(a)(ii), the following features are required on the Final Plat:
  - a. Project name
  - b. Title block
  - c. Certificate of registered owner – notarized
  - d. Certificate of registered land surveyor with seal
  - e. Certificate of governing body approval
  - f. Signature block for Clerk and Recorder, preferably in lower right hand corner
  - g. Certificate of public dedication
  - h. Certificate of park cash-in-lieu payment
  - i. Other certifications as appropriate
  - j. North arrow
  - k. Graphic scale
  - l. Legal description
  - m. Property boundaries (bearings, lengths, curve data)
  - n. Pertinent section corners and subdivision corners
  - o. Names of adjoining subdivisions/certificates of survey
  - p. Monuments found
  - q. Witness monuments
  - r. Acreage of subject parcel
  - s. Curve data (radius, arc length, notation of non-tangent curves)
  - t. Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
  - u. Lots and blocks designated by number (dimensions/acreage)
  - v. Easements/rights of ways (location, width, purpose, ownership)
  - w. Dedication for public use
  - x. No-build/alteration zones
  - y. No-ingress/egress zones
  - z. Water resources (rivers, ponds, etc.)
  - aa. Floodplains
  - bb. Irrigation canals including diversion point(s), etc.
  - cc. High-pressure gas lines
  - dd. Existing and new roads (names, ownership, etc.)
  - ee. Existing and proposed utility, irrigation, and drainage easements, as shown on the preliminary plat, shall be shown on the final plat.
  - ff. No-build/alteration and no-build zones shall be shown on the plat as shown on the preliminary plat.
  - gg. The internal subdivision roads shall be labeled as "public road and utility easements" on the final plat.
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
4. Any variance decisions shall be submitted with the final plat submittal.
5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
6. The final plat review fee shall be submitted with the final plat submittal.
7. Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.

9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurers Office for the payment of cash-in-lieu of parkland dedication.
13. Road and Driveway approach and encroachment permits from RCRBD for the new approach and the change of use for the existing approach to Dairy View Lane.
14. Evidence of Ravalli County approved road name petitions for each new road.
15. Engineering plans and specifications for all central water and sewer systems and any other infrastructure improvements requiring engineering plans.
16. Final Road Plans and Grading and Storm Water Drainage Plans for Bella Sera Way shall be submitted with the final plat submittal.
17. Road certification(s). *(Staff Note: A professional engineer's certification on the road plans and final approval from the Road Department shall meet this requirement.)*
18. Utility availability certification(s) shall be submitted with the final plat submittal.
19. A Road Maintenance Agreement, signed and notarized, shall be submitted with the final plat submittal.
20. Signed and notarized Master Irrigation Plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property.
21. A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch.
22. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
23. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
24. A copy of the letter sent to the School District stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
25. Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations.
26. The applicant shall pay the pro rata share of the cost to improve the portion of Hamilton Heights Road leading to the subdivision prior to final plat approval. (Section 5-4-5(d), RCSR)
27. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2).
  - a. Specific infrastructure improvements required for this subdivision are the installation of a stop sign and road name sign at roadway intersection, construction of the internal subdivision road, safety fencing set back 50 feet from the BRID ditch, and a water supply that meets the requirements of the Corvallis Fire District (if cash is not contributed in lieu of).

## **SUBDIVISION REPORT**

### **COMPLIANCE WITH PREREQUISITES TO APPROVAL**

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

#### **A. Provides easements for the location and installation of any planned utilities.**

##### Findings of Fact

1. Existing utilities are located along Hamilton Heights Road and within an existing 60-foot access and utilities easement as recorded in document #475720. (Bella Sera Preliminary Plat)
2. The applicant is proposing an 80-foot wide public road, utility, and ditch easement for the internal subdivision road, running along the southern end of the property. (Bella Sera Subdivision Preliminary Plat)
3. *Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)*

##### Conclusion of Law

The proposed subdivision application provides for utility easements.

#### **B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.**

##### Findings of Fact

1. The subdivision is accessed by Hamilton Heights Road and an internal subdivision road from Eastside Highway. (Bella Sera Subdivision Application)
2. Hamilton Heights Road is a County-maintained road, which provides legal and physical access. (RCSR – Exhibit A)
3. The applicant is required to pay the pro rata share of the cost to improve the portion of Hamilton Heights Road leading to the subdivision to meet County standards. The preliminary pro rata estimate included in the application projects that the applicant will be required to contribute approximately \$7,593 in pro rata funds. (Bella Sera Subdivision Application)
4. Bella Sera Way is a non-County-maintained, non-County standard road within an existing 60-foot wide easement, per document #475720. (Bella Sera Preliminary Plat)
5. The applicant is proposing to construct Bella Sera Way to meet County standards. (Bella Sera Subdivision Application)
6. The Road Department has granted preliminary approval of the road plans. (Exhibit A-1)
7. The applicant is proposing an 80-foot wide public road, utility, and ditch easement for the portion of Bella Sera Way located within the proposed subdivision. (Bella Sera Subdivision Application)
8. *To ensure legal and physical access to the subdivision, the following conditions and requirements shall be met:*
  - *The applicant is required to pay the pro rata share of the cost to improve the portion of Hamilton Heights Road leading to the subdivision prior to final plat approval. (Final Plat Requirement 26)*
  - *The applicant is required to submit final approval from the Road Department that Bella Sera Way has been constructed to meet County standards prior to final plat approval. (Final Plat Requirements 16, 17, and 27)*

- *To ensure legal access, the applicant shall provide for a minimum of 60-foot wide public road and utility easement for Bella Sera Way on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*

#### Conclusion of Law

With the requirements of final plat approval, legal and physical access will be provided via Hamilton Heights Road and Bella Sera Way.

#### **C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.**

##### Finding of Fact

The applicant is required to submit evidence that the following improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval (Final Plat Requirement 27):

- a. Specific infrastructure improvements required for this subdivision are the installation of a stop sign and road name sign at roadway intersection, construction of the internal subdivision road, safety fencing along the BRID ditch, and a water supply that meets the requirements of the Corvallis Fire District (if cash is not contributed in lieu of).

#### Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that the improvements are installed.

#### **D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

##### Findings of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
  - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
  - (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
  - (iii) reserve and sever all surface water rights from the land.
2. The subdivision has the following water rights which will be allocated among the newly created lots. (Application):
  - DNRC right 76H 1069-00, which appropriates 224.4 gallons per minute (GPM) from Willow Creek.
  - DNRC right 76H 1065-00, which appropriates 112.2 gallons per minute (GPM) from Willow Creek.
  - DNRC right 76H 1070-00, which appropriates 403.92 gallons per minute (GPM) from Willow Creek.
  - DNRC right 76H 1071-00, which appropriates 336.6 gallons per minute (GPM) from Willow Creek.

3. The average lot size for this proposal is approximately 11.75 acres. (Bella Sera Subdivision File)
4. The subdivider is proposing to distribute irrigation water among all proposed lots, and has submitted a master irrigation plan and irrigation agreement. (Bella Sera Subdivision File)
5. *A master irrigation plan will be recorded prior to final plat approval. The master irrigation plan shall indicate the allocation of water rights. (Requirement 20)*

Conclusion of Law

With the requirements of final plat approval, this prerequisite has been met.

**E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the subdivider is required to establish ditch easements in the subdivision that:
  - (a) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
  - (b) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
  - (c) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. Rock Ditch traverses the southern boundary of the proposed subdivision. (Bella Sera Subdivision File)
3. The applicant is proposing a 20-foot wide irrigation easement, a portion of which will be located within an 80-foot wide road, utility, and ditch easement, which will provide irrigation water to Lots 1 through 3. (Bella Sera Subdivision File)
4. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (76-3-504(1)(k) MCA).
5. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the following requirement and conditions shall be met prior to final plat approval:*
  - *The existing and proposed irrigation easements are required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
  - *A notification that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*

Conclusion of Law

With the requirement and condition of final plat approval, this prerequisite will be met.

**F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.**

Finding of Fact

The subdivision consists of three proposed lots, which are each larger than 5.0 acres. (Bella Sera Subdivision File)

Conclusion of Law

Because the proposed lots are all larger than 5.0 acres, this prerequisite is not required.

## **G. Overall Findings and Conclusions on Prerequisite Requirements**

There is adequate evidence to demonstrate compliance with each prerequisite to approval.

### **COMPLIANCE WITH APPLICABLE REGULATIONS**

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

#### **A. These regulations, including, but not limited to, the standards set forth in Chapter 5.**

##### **Findings of Fact**

1. The subdivision design as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR, with the exception of a cul-de-sac that exceeds 1,400 feet in length. The applicant is requesting a variance from this provision. (Bella Sera Subdivision File)
2. This development proposal has followed the necessary application procedures and has been reviewed in compliance with Chapter 3 of the RCSR. (Bella Sera Subdivision File)

##### **Conclusions of Law**

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The requirements for the application and review of this proposed subdivision have been met.

#### **B. Applicable zoning regulations.**

##### **Findings of Fact**

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2193). The application complies with Resolution 2193.
2. The property is not within one of the voluntary zoning districts in Ravalli County. (Bella Sera Subdivision File)

##### **Conclusion of Law**

This proposal complies with existing zoning regulations.

#### **C. Existing covenants and/or deed restrictions.**

##### **Findings of Fact**

There are no existing covenants on the property. (Bella Sera Subdivision File)

##### **Conclusion of Law**

Compliance is not applicable.

#### **D. Other applicable regulations.**

##### **Findings of Fact**

1. Following are regulations that may apply to this subdivision:
  - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
  - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
  - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
  - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
  - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge

Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)

2. Prior to final plat approval, the applicants are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

Conclusion of Law

With the requirements of final plat approval, the application will meet all of the applicable regulations.

**E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:**

**CRITERION 1: EFFECTS ON AGRICULTURE**

Findings of Fact:

1. The proposed major subdivision on approximately 35.25 acres will result in 3 lots that range in size from 10.76 acres to 13.09 acres. The property is located southeast of Corvallis off Hamilton Heights Road. (Bella Sera Subdivision File)
2. There is one existing residence on the property. (Bella Sera Subdivision File)
3. Parcels surrounding the subject property are classified for tax purposes as farmstead rural and vacant land rural. The subject property is classified as residential rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services and 2005 Aerial Photography created by the National Agricultural Imagery Program)
4. According to the Web Soil Survey for Ravalli County, approximately 90.0% of the soils located on the property are categorized as "Prime farmland if irrigated". There are no soils classified as Farmland of Statewide Importance. (Bella Sera Subdivision Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
5. The subdivider has offered a \$500 per lot contribution to offset the impacts of the subdivision on loss of agricultural lands. (Exhibit A-2)
6. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Canada Thistle, Common Tansey, and Houdstounge were spotted on the perimeter of the property. (Bella Sera Subdivision Application)
7. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
8. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*
  - *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
  - *Staff recommends that the applicant negotiate a contribution with the BCC, to be deposited into an account for the Open Lands Program, as a way of offsetting the loss of prime farmlands. (Condition 12)*
  - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
  - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

### Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agriculture.

### CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

#### Findings of Fact

1. The subdivision has the following water rights which will be allocated among the newly created lots. (Application):
  - a. DNRC right 76H 1069-00, which appropriates 224.4 gallons per minute (GPM) from Willow Creek.
  - b. DNRC right 76H 1065-00, which appropriates 112.2 gallons per minute (GPM) from Willow Creek.
  - c. DNRC right 76H 1070-00, which appropriates 403.92 gallons per minute (GPM) from Willow Creek.
  - d. DNRC right 76H 1071-00, which appropriates 336.6 gallons per minute (GPM) from Willow Creek.
2. The average lot size for this proposal is approximately 11.75 acres. (Bella Sera Subdivision File)
3. The subdivider is proposing to distribute irrigation water among all proposed lots. (Bella Sera Subdivision File)
4. The applicant has submitted a master irrigation plan which provides 20-foot irrigation easements to each of the proposed lots. In addition to the irrigation plan, an irrigation agreement has been submitted which describes the allocation of water shares and the watering schedule for each of the proposed lots. (Bella Sera Subdivision Application)
5. An existing irrigation ditch (Rock Ditch) traverses the southern boundary of the property. The subdivider is proposing a 20-foot irrigation ditch easement. (Bella Sera Preliminary Plat)
6. The Bitterroot Irrigation District (B.R.I.D.) Canal abuts the northern property boundary. (Bella Sera Preliminary Plat)
7. In a letter dated October 31, 2007 and subsequent phone conversation on June 2, 2008, John Crowley, BRID manager, stated that the BRID canal is prone to seepage and requires regular maintenance, including the use of heavy equipment. Mr. Crowley requested that construction activities not be located within 50 feet of the canal, which will provide necessary room for equipment to perform maintenance. (Exhibits A-3 and A-4, Effects on Public Health and Safety)
8. Mr. Crowley requested that the developer install a safety fence set back 50 feet from the ditch for the entire length of the property, and that homes be set back 50 feet from the ditch. (Final Plat Requirement 27, and Exhibits A-3 and A-4)
9. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agricultural water user facilities:*
  - *Master irrigation plan is required to be filed with the final plat. (Final Plat Requirement 20)*
  - *All existing and proposed irrigation and drainage easements are required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
  - *A notification and covenant stating that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications and covenants document. (Conditions 1 and 2)*
  - *A notification that lots within the subdivision do not have the right to take water from the BRID Canal shall be included in the notifications document. (Condition 1)*
  - *The final plat shall show a 50-foot wide setback from the BRID Canal along the northern boundary of the property. Additionally, a statement in the notifications document and a covenant about the construction setback shall be included in the notifications and covenants document. (Conditions 1, 2, and 18)*
  - *Installation of safety fencing along the BRID ditch. (Final Plat Requirement 27)*



- *The covenants shall include a provision detailing the maintenance of the safety fence along the BRID canal. (Condition 2)*

#### Conclusion of Law

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agricultural water user facilities.

#### CRITERION 3: EFFECTS ON LOCAL SERVICES

##### Findings of Fact:

##### Fire Department

1. The subdivision is located within the Corvallis Rural Fire District. (Bella Sera Subdivision File)
2. The Fire District was notified of the proposal, but no comments specific to this subdivision have been received to date. (Bella Sera Subdivision File)
3. The All Valley Fire Council, which includes the Corvallis Rural Fire District, has adopted Fire Protection Standards (outlined in document from the Hamilton Rural Fire District) that address access, posting of addresses, and water supply requirements. (Exhibit A-5)
4. In a letter dated May 29, 2008, the Corvallis Rural Fire Department stated that it costs over \$900 to provide adequate water supply per lot for new subdivisions. The letter requests that the \$500 in-lieu of water supply be increased to \$900. (Exhibit A-6)
5. The subdivider has offered a \$500 per lot contribution to the fire district. (Exhibit A-2)
6. *The following conditions will mitigate impacts of the subdivision on the Fire District:*
  - *Provisions in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
  - *The covenants shall include a recommendation that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. (Condition 2)*
  - *The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*
  - *Prior to final plat approval, the subdividers shall provide a letter from the Corvallis Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that an amount-per-lot contribution has been made to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
  - *The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Corvallis Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information". (Condition 6)*

##### School District

7. The proposed subdivision is located within the Corvallis School District. (Bella Sera Subdivision File)
8. It is estimated that two to three school-aged children will be added to the Corvallis School District, assuming an average of 0.5 children per household. (Census 2000)
9. The applicant is proposing to contribute \$1000 per lot to the School District, to be split between final plat and first conveyance. (Exhibit A-2)
10. Notification letters were sent to the Corvallis School District requesting comments on October 22, 2007 and May 20, 2008. (Bella Sera Subdivision File)

11. In a letter received October 29, 2007 (Exhibit A-7), Daniel Sybrant, Corvallis Schools Superintendent, stated that new subdivisions "certainly create additional costs to this school district". Additionally, he stated the following:
  - (a) The recently completed impact fee study for the Corvallis School District allows up to \$7300.00 per lot to offset the costs to capital facilities.
  - (b) That the BCC should negotiate a fair fee with developers that will help offset the actual costs of educating additional children.
  - (c) That bus turnouts as well as shelters for students to stand under in inclement weather be installed where appropriate.
12. Even though the Corvallis School District has completed an impact fee study, Ravalli County has not adopted impact fees to date. The County cannot request a contribution for capital expenses until an impact fee has been adopted. (MCA 7-6-1603)
13. In his October 29th letter, Mr. Sybrant includes the Budget Per Pupil/Tax Levy Per Pupil information for Ravalli County. According to the document, the tax levy per pupil, excluding capital, would be \$6,544 for the Corvallis School District. (Exhibits A-7 and A-8)
14. *Staff recommends that the applicant negotiate a contribution with the BCC, in consultation with the Corvallis School District, if possible, to mitigate potential impacts of the additional students on the School District. (Condition 7 and Final Plat Requirement 24)*

#### Public Safety

15. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Bella Sera Subdivision File)
16. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on October 22, 2007 and May 20, 2008, but no comments have been received from the Sheriff's Office. (Bella Sera Subdivision File)
17. This proposed subdivision is located approximately eight miles from the Sheriff dispatch in Hamilton. (Bella Sera Subdivision File)
18. The average number of people per household in Ravalli County is 2.5. (Census 2000)
19. This proposal will add approximately five people to Ravalli County. (Census 2000)
20. The applicant is proposing a \$500 per lot contribution for Public Safety Services (Sheriff's Office, E-911, and the Department of Emergency Services) for the potential five additional people. (Exhibit A-2)
21. *To mitigate impacts on Ravalli County Public Safety Services, the subdivider shall submit a (amount)-per-lot contribution to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (Condition 8)*

#### Roads

22. There are three proposed residential lots within this subdivision. It is estimated at build-out that this subdivision could generate a total of 24 vehicular trips per day, assuming eight trips per day per lot. (Bella Sera Subdivision File)
23. Hamilton Heights Road, a County-maintained road, provides access to the site. (Bella Sera Subdivision File and Ravalli County GIS Data)
24. The existing easement for Hamilton Heights Road varies between 40 and 60 feet. (Bella Sera Subdivision Application)
25. The applicant is required to pay pro rata towards improving Hamilton Heights Road. (Section 5-4-5, RCSR)
26. The preliminary pro rata estimate included in the application projects that the applicant will be required to contribute approximately \$7,593.00 in pro rata funds. (RCSR and Bella Sera Subdivision Application)
27. The proposal will require a change in use permit for the approach. Bella Sera Way accesses onto Hamilton Heights Road (Bella Sera Subdivision Application)

28. The applicant is proposing one internal road, Bella Sera Way, which will serve the subdivision. (Bella Sera Subdivision Application)
29. There is a proposed Road Maintenance Agreement for Bella Sera Way. (Bella Sera Subdivision File)
30. The road plans for Bella Sera Way have received preliminary approval from the Ravalli County Road and Bridge Department. (Bella Sera Subdivision File, Final Plat Requirement 27, Exhibit A-1)
31. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*
- *A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ shall be submitted prior to final plat approval, if applicable. (Final Plat Requirement 10)*
  - *Prior to final plat approval, evidence of a Ravalli County approved road name petition for the new road shall be provided. (Final Plat Requirement 14)*
  - *Final Road Plans and Grading and Storm Water Drainage Plans for the internal road shall be submitted with the final plat submittal. (Final Plat Requirement 16)*
  - *Prior to final plat approval, the applicant shall submit certification from a professional engineer and Road Department approval showing that Bella Sera Way has been improved to meet County standards. (Requirements 17 and 27)*
  - *A Road Maintenance Agreement shall be signed, notarized, and submitted for Bella Sera Way. (Final Plat Requirement 19)*
  - *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Condition 3)*
  - *A stop sign and road name sign shall be installed at the intersection of Hamilton Heights Road and Bella Sera Way. (Condition 11)*
  - *The easement for the internal subdivision road shall be labeled as a public road and utility easement on the final plat. (Condition 10 and Final Plat Requirement 2)*
  - *The applicant shall submit the final approved approach permit from the Ravalli County Road and Bridge Department prior to final plat approval for the change in use for the existing approach to Hamilton Heights from Bella Sera Way. (Final Plat Requirement 13)*

#### Ambulance Services

32. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department. Marcus Daly was contacted, but no comments have been received to date. (Bella Sera Subdivision File)
33. *To mitigate impacts on emergency services, the subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*

#### Water and Wastewater Districts

34. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Bella Sera Subdivision File)

#### Solid Waste Services

35. Bitterroot Disposal provides service to this site. (Bella Sera Subdivision File)
36. Notification letters were sent to Bitterroot Disposal requesting comments on October 22, 2007 and May 20, 2008, but no comments have been received. (Bella Sera Subdivision File)

#### Utilities

37. The proposed subdivision will be served by Ravalli Electric and Qwest Communications. Utility companies have been notified of the proposed subdivision. (Bella Sera Subdivision File)

38. Notification letters were sent to the utility companies requesting comments on October 22, 2007 and May 20, 2008. (Bella Sera Subdivision File)
39. *The following requirements will mitigate impacts of the subdivision on local utilities:*
- *Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*
  - *The applicant shall submit utility availability certifications from Ravalli Electric and Qwest Communications prior to final plat approval. (Final Plat Requirement 18)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

**CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT**

Findings of Fact:

Air Quality

1. In an email dated April 1, 2008, the Montana Department of Environmental Quality (DEQ) identified Ravalli County as a community that experiences poor air quality during certain periods of the year. (Exhibit A-9)
2. The Montana DEQ has identified that burning sources – such as fireplaces and wood stoves – are the most common sources of particulate matter (PM-10 and PM-2.5). The smaller PM-2.5 particles, often referred to as "fine particulates," are easily inhaled and can cause tissue damage, emphysema, bronchitis, and cardiovascular complications. Children, seniors, and individuals with pre-existing respiratory diseases are most susceptible to these health risks. (Montana DEQ Citizens Guide to Air Quality in Montana  
<http://www.deq.mt.gov/AirMonitoring/citguide/understanding.asp>)
3. *To mitigate impacts on air quality, the covenants shall include a provision recommending that homeowners refrain from installing wood stoves. (Condition 2)*

Ground/Surface Water

4. The applicants are proposing individual wells and wastewater treatment facilities for all lots. The applicants submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Bella Sera Subdivision File)
5. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-10, MCA 76-3-622)
6. *To mitigate impacts on the natural environment, the applicant is required to submit a final DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

Light Pollution

7. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association, [www.darksky.org](http://www.darksky.org))
8. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

Vegetation

9. The Montana Natural Heritage Program did not identify any plant species of concern within the same section as the subject property. (Bella Sera Subdivision Application)
10. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Canada Thistle, Common Tansy and Houndstounge were spotted on the perimeter of the property. (Bella Sera Subdivision Application)

11. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
12. *To mitigate impacts on the natural environment, the following condition and requirement shall be met:*
  - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*
  - *A noxious weed control plan shall be submitted with the final plat. (Final Plat Requirement 11)*

#### Archaeological Resources

14. There are no known sites of historical significance on the property. (Bella Sera Subdivision Application)
15. *To mitigate possible impacts on any potential sensitive historical, cultural, archaeological, paleontological, and/or scenic sites, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the developer will contact the State Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

#### Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

#### **CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT**

##### Findings of Fact:

1. In a letter dated May 10, 2007, FWP recommended living with wildlife covenants. (Exhibit A-11)
2. A Sensitive Species Report was not required for the subdivision, because the Montana Natural Heritage Program indicated that there are no known species of concern located within the same section as the subject property. (Bella Sera Subdivision Application)
3. *To mitigate impacts on wildlife, the covenants shall include a living with wildlife section. (Condition 2)*

#### Conclusion of Law:

With the mitigating conditions of approval, impacts on Wildlife & Wildlife Habitat will be reduced.

#### **CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY**

##### Findings of Fact:

##### Traffic Safety

1. Access is proposed off Hamilton Heights Road and Bella Sera Way. (Bella Sera Subdivision Application)
2. *The requirements and conditions listed under Roads in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*

##### Emergency Vehicle Access and Response Time

3. The proposed subdivision will be served by the Stevensville Rural Fire Department, the Ravalli County Sheriff's Office, Ravalli County E-911, the Ravalli County Department of Emergency Services, and Marcus Daly Memorial Hospital EMS Department. (Bella Sera Subdivision Application)

4. *The requirements and conditions listed under Fire District, Law Enforcement and County Emergency Services, Ambulance Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

#### Water and Wastewater

5. The applicants are proposing individual wells and wastewater treatment facilities for all Lots. The applicants submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Bella Sera Subdivision File)
6. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-10, MCA 76-3-622)
7. The subject property is located in an area where there is known to be natural occurrences of arsenic. There is the potential for wells to have arsenic levels that are not suitable for drinking water. Prior to receiving a DEQ Certificate of Subdivision Approval, the applicant will be required to prove that wells drilled within this area do not exceed appropriate levels of arsenic contamination. (Exhibit A-12)
8. *The applicant is required to submit a final DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

#### Natural and Man-Made Hazards

9. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
10. According to the Web Soil Survey for Ravalli County, there are soils rated as "very limited" for building and road construction. (Bella Sera Subdivision Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
11. The Bitterroot Irrigation District (BRID) Canal abuts the northern property boundary. (Bella Sera Preliminary Plat)
12. In a letter dated October 31, 2007 and subsequent phone conversation on June 2, 2008, John Crowley, BRID manager, stated that the BRID canal is prone to seepage and requires regular maintenance, including the use of heavy equipment. Mr. Crowley requested that construction activities not be located within 50 feet of the canal, which will provide necessary room for equipment to perform maintenance. (Exhibits A-3 and A-4, Effects on Public Health and Safety)
13. Mr. Crowley requested that the developer install a safety fence along the toe of the canal for the entire length of the property, and that homes be set back 50 feet from the toe of the ditch. (Final Plat Requirement 27, and Exhibits A-3 and A-4)
14. There is an existing gravel pit on proposed Lot 2. The steep embankments of the gravel pit represent an inherent public health and safety issue. (Staff Determination)
15. *To mitigate the impacts of this subdivision on public health and safety, the following conditions and requirements shall be met:*
  - *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
  - *The covenants shall include a statement regarding radon exposure. (Condition 2)*
  - *Notifications of the "very limited" soils in question shall be included in the notifications document. (Condition 1)*
  - *The final plat shall show a 50-foot wide setback from the BRID Canal along the northern boundary of the property. Additionally, a statement in the notifications document and a covenant about the construction setback shall be included in the notifications and covenants document. (Conditions 1, 2, and 18)*

- *Installation of safety fencing set back 50 feet from the BRID canal. (Final Plat Requirement 27)*
- *The covenants shall include a provision detailing the maintenance of the safety fence along the BRID canal. (Condition 2)*
- *The applicant shall fill the gravel pit located on Lot 2. Alternatively, the gravel pit shall be graded at a slope of 2:1 and be labeled as a no-build/alteration zone on the final plat. (Condition 13)*

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.

## **VARIANCE REQUEST**

The applicant has requested a variance from Section 5-4-4(h), Table B-1 of the RCSR to allow a cul-de-sac road providing access to the proposed subdivision to exceed the maximum length of 1,400 feet. Chapter 2 of the RCSR defines a cul-de-sac road as "a street having only one outlet for vehicular traffic and terminating in a vehicle turn-around area. The cul-de-sac road (Bella Sera Way) is approximately 2,150 feet in length.

### **A. Prerequisite Variance Criteria**

Section 7-3-5(a), RCSR, states that the BCC shall first determine that strict compliance with these regulations will result in undue hardship and when compliance is not essential to the public welfare.

### **Prerequisite 1: Strict compliance with these regulations will result in undue hardship.**

#### **Findings of Fact**

1. Bella Sera Way does not meet the maximum cul-de-sac road length of 1,400 feet. (Section 5-4-4(h), RCSR)
2. The applicant cannot redesign the subdivision with a shorter cul-de-sac road because 1,300 feet of Bella Sera Way is located on the property to the south. Because the maximum cul-de-sac length is 1,400 feet, the regulations only leave 100 feet of Bella Sera Way to access the proposed subdivision lots. (Staff Determination)
3. In order to meet the Subdivision Regulations, the applicant would need to acquire additional road easement on surrounding properties to connect Bella Sera Way to an off-site road. (Staff Determination)
4. The BRID Ditch borders the northern property boundary and would make it challenging for the applicant to connect to Maki Lane to the north. Maki Lane is a privately-maintained road and it is not known if the associated easement is public or private. (Staff Determination)
5. In order to connect to Davidson Lane to the east, the applicant would need to acquire easement across the property to the east. Davidson Lane is a privately-maintained road and it is not known if the associated easement is public or private. (Staff Determination)
6. Currently, there are no roads to the west that would provide a connection. (Staff Determination)
7. The applicant could obtain additional easement to the south to create a loop road back to Hamilton Heights Road, but this may be a waste of resources (land and materials) to serve only three lots. (Staff Determination)
8. The applicant is proposing two additional lots. All three lots within the subdivision are proposed to be greater than 10.00 acres. (Bella Sera Preliminary Plat Application)

#### **Conclusion of Law**

Due to the fact that this proposal would result in three lots greater than 10.00 acres, the challenges in obtaining the additional easement to make the cul-de-sac road into a through-road are an undue hardship.

### **Prerequisite 2: Compliance is not essential to the public welfare.**

#### **Findings of Fact**

1. Bella Sera Way will serve three lots for a total of approximately 24 trips per day. (Bella Sera Preliminary Plat Application)
2. The Corvallis Rural Fire District, Marcus Daly Memorial Hospital EMS Department, and the Ravalli County Sheriff's Office were all notified of this variance because they will be providing emergency services. No comments have been received to date. (Bella Sera Subdivision File)
3. The portion of Bella Sera Way from Hamilton Heights Road to the southern property boundary is an existing 20-foot wide paved, privately-maintained road within an existing 60-foot wide private road easement that is approximately 1,300 feet in length. There is an existing



turnaround with a 37-foot turning radius at the southwestern corner of the property. (Bella Sera Preliminary Plat Application)

4. The second portion of the road from the southwest corner of the property along the southern boundary of the property is an existing 22-foot wide paved road within a proposed 80-foot wide private easement. The applicant is proposing to extend this road to access Lot 3 ending in a turnaround with a 37-foot turning radius. (Bella Sera Preliminary Plat Application)

#### Conclusions of Law

1. Bella Sera Way will be serving a low number of trips per day.
2. Emergency service providers do not appear to have any concerns over the granting of this variance.
3. With the final plat requirements, there will be two turnarounds on Bella Sera Way.
4. In this case, compliance with Section 5-4-4(h), Table B-1 of the RCSR is not essential to public welfare.

#### B. Variance Review Criteria

Following the determination on the prerequisite criteria, the BCC shall not approve the variance application unless it makes an overall positive finding, based on substantial competent evidence, on the following criteria:

#### **Criterion 1: The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.**

##### Finding of Fact:

See findings for Prerequisite 2.

##### Conclusion of Law:

The granting of the variance will not be substantially detrimental to public health and safety, general welfare, and adjoining properties.

#### **Criterion 2: The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.**

##### Findings of Fact:

1. The proposal is for three lots greater than 10.00 acres each. (Bella Sera Preliminary Plat)
2. There are significant challenges in connecting to other off-site roads in the area. (See Findings 4, 5, 6, and 7 under Prerequisite 1)

##### Conclusion of Law:

The significant challenges in making Bella Sera Way a through-road to serve three lots is a condition unique to the property.

#### **Criterion 3: Physical conditions, such as topography or parcel shape, prevent the subdivider from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).**

##### Findings of Fact:

1. The BRID Ditch borders the northern boundary of the property. This would make it physically challenging, but not impossible, to connect to Maki Lane to the north. (Staff Determination)
2. The other potential road connections in the area may not have public easements, but this is not a physical challenge. (Staff Determination)

##### Conclusion of Law:

While there are legal and physical challenges to meeting the cul-de-sac length requirement, there are no physical conditions that prevent the subdivider from meeting this requirement.

**Criterion 4: The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.**

**Findings of Fact:**

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2193). The application complies with Resolution 2193.
2. The provisions in the Growth Policy do not address public health and safety issues.

**Conclusions of Law:**

1. The subdivision proposal complies with applicable zoning regulations.
2. There are no provisions in the Growth Policy that are related to this variance request.

**Criterion 5: The variance will not cause a substantial increase in public costs.**

**Findings of Fact:**

1. Bella Sera Way is proposed to be constructed to meet or exceed County standards. The road as proposed will adequately serve the proposed three-lot subdivision. (Exhibit A-1, Staff Determination)
2. No emergency service providers have commented with concerns about the granting of this variance. (Bella Sera Subdivision File)

**Conclusion of Law:**

The granting of the variance will not cause a substantial increase in public costs.

**Overall Findings Based on Substantial Competent Evidence**

1. Four out of five variance criteria are true.
2. The granting of this variance will not negatively impact public health and safety, the proposal presents a unique situation, the variance will not vary from zoning or the Growth Policy, and there will not be a substantial increase to public cost. These criteria outweigh the fact that there are no physical conditions preventing the applicant from meeting the cul-de-sac length requirement.
3. The overall finding is positive.

David Ohnstad

**From:** David Ohnstad  
**Sent:** Friday, March 21, 2008 1:07 PM  
**To:** John Lavey  
**Cc:** 'Ronald M. Uemura'  
**Subject:** FW: Bella Sera Subdivision  
**Attachments:** Prelim Review Completion 031708.pdf

APR 11 2008  
IC-08-04-348  
Ravalli County Planning Dept.

Vanessa -

I will deliver to your office the preliminary design review package for the referenced subdivision.

The Road & Bridge Department will approve this preliminary design with the expectation and understanding that all concerns identified through the preliminary review process are appropriately and completely addressed through final design.

David

DAVID H. OHNSTAD  
COUNTY ROAD SUPERVISOR  
RAVALLI COUNTY, MONTANA

---

**From:** Cindy Kuns [mailto:CKuns@wgmgroup.com]  
**Sent:** Monday, March 17, 2008 4:46 PM  
**To:** David Ohnstad  
**Subject:** Bella Sera Subdivision

Our office has completed the preliminary review for the above-referenced project. Please find the completion memo attached. A hard copy with all referenced attachments will be mailed.

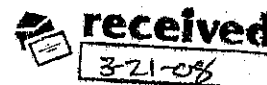
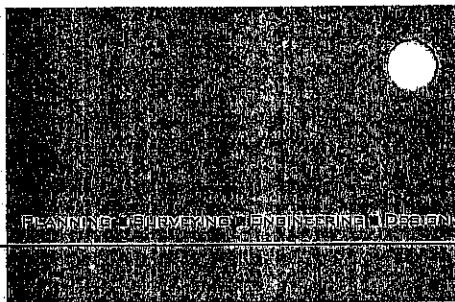
**Cindy Kuns**  
Project Assistant



P.O. Box 16027 • 3021 Palmer Street  
Missoula • Montana • 59808  
E-mail: [CKuns@wgmgroup.com](mailto:CKuns@wgmgroup.com)  
406-728-4611 x126 • FAX: 406-728-2476

<http://www.wgmgroup.com>

3/21/2008



**DATE:** March 17, 2008  
**TO:** David Ohnstad, Ravalli County Road & Bridge Department  
**FROM:** Jonathan L. Gass, P.E.  
**RE:** Bella Sera Subdivision Preliminary Review Completion

---

On behalf of the Ravalli County Road and Bridge Department (RCRBD), we have completed our preliminary review of the above-referenced project. Adequate road, grading, and drainage information has been submitted for the project. If the RCRBD is in concurrence with our review, please forward this letter to the Planning Department.

Preliminary comments were sent to the design engineer in accordance with Steps 6 and 7 of the RCRBD's Schedule of Activities. We are now sending this letter to your office in accordance with Step 8 of the RCRBD's Schedule of Activities to complete our preliminary review of the project.

We have included a copy of the following with this letter:

- 1) Preliminary comment memorandum from WGM Group, dated 2/19/08
- 2) Preliminary comment response from RAM Engineering, dated 2/23/08

This review is based on the 2004 version of the AASHTO Geometric Design of Highways and Streets, the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400), and the Ravalli County Subdivision Regulations.

Review of the plans and reports are limited to general conformance with the Ravalli County Subdivision Regulations in place at the time the subdivision application was submitted. This is not a complete or comprehensive review of the design assumptions or conclusions of the design professional who submitted the plans and reports. A final set of construction plans will need to be submitted by the developer for review by the RCRBD prior to beginning construction.

Thank you for the opportunity to work with the Ravalli County Road Department. If you have any questions, please contact our office.



3021 PALMER STREET  
P.O. BOX 16027  
MISSOULA, MT 59808-6027  
TEL: 406-728-4611  
FAX: 406-728-2476  
WWW.WBMGROUP.COM

PLANNING • SURVEYING • ENGINEERING • DESIGN

## MEMORANDUM

**DATE:** February 19, 2008

**TO:** Ron Uemura, P.E., RAM Engineering

**CC:** David Ohnstad, Ravalli County Road and Bridge Department  
John Lavey, Ravalli County Planning Department

**FROM:** Jonathan L. Gass, P.E.

**RE:** Bella Sera Subdivision Preliminary Review Comments

On behalf of the Ravalli County Road and Bridge Department (RCRBD), our office has reviewed the preliminary grading and drainage plans and reports submitted for the above-referenced project.

This review memorandum is part of Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. This review is based upon the Ravalli County subdivision regulations, the 2004 version of the AASHTO Geometric Design of Highways and Streets and the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400).

Based on our review, we have the following comments.

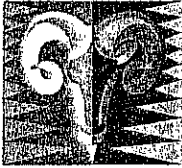
### Roadways

1. The proposed road width does not allow for on-street parking. "No Parking" signs will be required and need to be shown on the final design plans to be installed in accordance with the Manual for Uniform Traffic Control Device. If parking is to be accommodated, a wider road will need to be provided.
2. The proposed road appears to create a cul-de-sac that is approximately 2,150 feet in length. This is greater than the maximum cul-de-sac length of 1,400 feet identified in the Ravalli County subdivision regulations. This item may require a subdivision variance. Please contact the Planning Department about this matter.

### **Storm Drainage**

1. Please describe where the concentrated flows within the roadside ditches will discharge.
2. Please provide a statement from the design engineer that storm drainage has been analyzed for the appropriate 100-year storm event and that the analysis indicates the storm runoff will not inundate wells, drainfields or homes, nor cause excessive erosion or property damage.

Please respond to these comments as outlined in the RCRBD Schedule of Activities, so we may complete our review. Thank you.



## **RAM Engineering**

Site Planning - Civil Engineering Design  
Feasibility Studies - Project Management  
PO Box 2130, Hamilton, MT 59840

Ph. (406) 360-4238  
Fax (406) 363-1880  
Email: ramengineer@hotmail.com

# **Memo**

**RECEIVED**  
FEB 25 2008

**To:** Jonathan L. Gass, PE  
WGM Group, Inc.

**From:** Ron Uemura, PE

**Date:** 2/23/2008

**Re:** Bella Sera Subdivision

**WGM GROUP, INC**

This response is in order of your review comments dated February 19, 2008:

### **Roadways**

1. We have included 4 "No Parking" signs & posts. Attached is a copy of the revised plans showing the signs and General Notes.
2. We have already submitted a Variance Application form for the cul-de-sac length to the Planning Department.

### **Storm Drainage**

1. The stormwater runoff from the existing roadway discharges into an existing ditch along the north side of Hamilton Heights Road.
2. Analysis of the drainage for the project shows that the storm runoff from any intensity will not affect the wells, drainfields or homes, nor cause excessive erosion or property damage. An exemption from the Grading & Storm Water Drainage Plans was submitted to the Planning Department on 9/21/07. A copy of the exemption is attached for your information.

RECEIVED Exhibit A-2

NOV 19 2007  
10-07-11-1457  
Ravalli County Planning Dept.

ALCYON, LLC

P.O. BOX 218  
HAMILTON, MT 59840  
406-381-1125

11/14/07



Tristan Riddell  
Ravalli County Planning Department  
215 S. Fourth Street, Ste. F  
Hamilton, MT 59840

Re: Bella Sera Subdivision

Dear Mr. Riddell:

In light of current research figures and accepted standards for cost effects stemming from additional residences created by subdivisions, Mrs. Shimmon has reevaluated her proposal for mitigation of probable impacts of Bella Sera. We recognize the impacts of the proposed project and wish to honor our responsibility to the community. Therefore, Mrs. Shimmon proposes the following contributions if the subdivision is approved:

1. \$500/lot for impact on agricultural land
2. \$500/lot for public safety services
3. \$500/lot to the fire district
4. \$1000/lot to the school district (\$500 at time of final plat; \$500/lot at first conveyance)
5. \$7593 total for the county road pro-rata share

These figures total \$15,093 for the project.

Sincerely,

George Marshall, PLS



# *Bitter Root Irrigation District*

1182 Lazy J. Lane • Corvallis, Montana 59828 • (406) 961-1182

RECEIVED

NOV 01 2007  
IL-07-11-1393  
Ravalli County Planning Dept.

OCTOBER 31, 2007

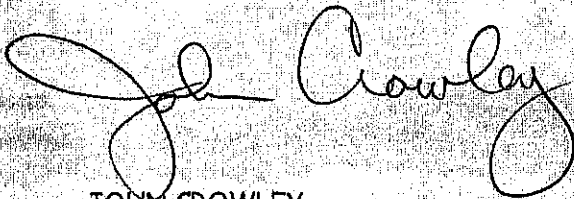
TRISTAN RIDDELL  
RAVALLI CO. PLANNING DEPT.  
215 SOUTH 4<sup>TH</sup> ST. SUITE 'F'  
HAMILTON, MT. 59840

RE: BELLA SERA MINOR SUBDIVISION CRITERIA

THE BITTER ROOT IRRIGATION DISTRICT HAVE POLICIES IN PLACE FOR ALL SUBDIVIDED LANDS ADJACENT TO THE BITTER ROOT IRRIGATION DISTRICT CANAL. PLEASE FIND A COPY OF SECTION XV OUT OF THE POLICY SET FORTH BY THE DISTRICT BOARD OF COMMISSIONERS. THOSE HIGHLIGHTED AREAS ARE OF CONCERN FOR THIS BELLA SERA SUBDIVISION. PLEASE ADDRESS THOSE ISSUES AS YOU CONSIDER IMPACTS ON OUR IRRIGATION FACILITIES. WE WOULD APPRECIATE BEING NOTIFIED AS TO THE DATE AND TIME FOR THE PUBLIC HEARING FOR THIS SUBDIVISION.

THANK YOU.

SINCERELY,



JOHN CROWLEY  
BRID MANAGER

- C. BEFORE LAND CAN BE INCLUDED OR EXCLUDED WITHIN A PRIVATE IRRIGATION SYSTEM, A WRITTEN LETTER OF AUTHORIZATION MUST BE SUBMITTED TO THE BOARD OF COMMISSIONERS FROM THE PRIVATE IRRIGATION SYSTEM ORGANIZATION.
- D. NO WATER WILL BE DELIVERED THROUGH ANY PRIVATE IRRIGATION SYSTEM TO ANY LAND EXCEPT THAT WHICH IS ENTITLED THERETO.
- E. THE DISTRICT RESERVES THE RIGHT TO WITHHOLD OR STOP DELIVERY TO ANY SYSTEM OPERATING IN EXCESS OF ITS ALLOTMENT.

#### XV. SUBDIVISION OF LANDS ADJACENT TO THE CANAL

- A. THE SUBDIVIDER SHOULD CONSTRUCT AND PROVIDE FOR MAINTENANCE OF A FENCE ALONG THE ENTIRE LENGTH OF THE CANAL RIGHT OF WAY WITHIN THE SUBDIVISION BOUNDARIES. THE FENCE SHOULD BE SUBSTANTIAL ENOUGH TO KEEP LIVESTOCK OUT OF THE CANAL RIGHT OF WAY AND RESTRICT ALL OTHER ACCESS TO THE CANAL. ANY PONDS OWNED BY THE DISTRICT WITHIN THE SUBDIVISION SHOULD BE FENCED TO ELIMINATE ALL BUT DISTRICT ACCESS.
- B. GATES SHOULD BE INSTALLED TO DISTRICT SPECIFICATIONS AT ALL PUBLIC ACCESS POINTS ON THE DISTRICT RIGHT OF WAY. (i.e. BRIDGES etc.)
- C. BECAUSE BRIDGES, FLUMES, FENCES ETC. ACROSS THE CANAL CREATE AN OBSTACLE FOR CANAL MAINTENANCE AND AN ACCESS FOR TRESPASS, ANY NEW STRUCTURES ARE HIGHLY DISCOURAGED. ANY BRIDGE OR OTHER STRUCTURE CONSTRUCTED ON OR ACROSS THE DISTRICT RIGHT OF WAY MUST HAVE PRIOR APPROVAL OF THE BOARD OF COMMISSIONERS OF THE DISTRICT AND MUST BE BUILT TO DISTRICT SPECIFICATIONS. ANY APPROVED STRUCTURE IS TO BE MAINTAINED AT THE EXPENSE OF THE LANDOWNER. ANY STRUCTURE NOT APPROVED PRIOR TO CONSTRUCTION IS SUBJECT TO REMOVAL AT THE EXPENSE OF THE LANDOWNER.
- D. ALL STRUCTURES ON THE DISTRICT RIGHT OF WAY THAT ARE NO LONGER NECESSARY FOR THE ORIGINAL FARM OPERATION WILL BE REMOVED. (i.e. BRIDGES, FLUMES, FENCES etc.)
- E. ROADS CONSTRUCTED ADJACENT TO THE CANAL MUST BE BUILT OFF OF THE DISTRICT RIGHT OF WAY. ROADS BELOW THE CANAL SHOULD NOT BE CUT INTO THE TOE OF THE CANAL BERM, BUT SHOULD BE BUILT UP AND PROVIDED WITH ADEQUATE DRAINS TO PREVENT WATER BUILD UP ON THE TOE OF THE CANAL.
- F. THE POSITION OF SEPTIC TANK DRAIN FIELDS AND STORM DRAINS ARE A CONCERN TO THE DISTRICT AND SHOULD BE CONSTRUCTED IN SUCH A MANNER THAT THEY DO NOT THREATEN THE INTEGRITY OF THE CANAL FROM EROSION, SLOUGHING OF SATURATED SOILS OR POSE A DANGER OF CONTAMINATION.
- G. THE DISTRICT REQUESTS THAT LANDOWNERS IN THE SUBDIVISION RECOGNIZE THAT THE DISTRICT HAS A RIGHT AND AN OBLIGATION TO CONTROL VEGETATIVE GROWTH ON THE CANAL RIGHT OF WAY, BY ANY MEANS NECESSARY AS DETERMINED BY THE DISTRICT BOARD OF COMMISSIONERS.

## EXHIBIT A-4

### Conversation with John Crowley, from BRID

John Crowley from BRID talked about the importance of building safety fencing along the length of the BRID canal along any boundaries with new subdivisions. He finds it very important to protect children from playing within the canal.

John also has concerns that homes not be built too close to the "toe" of the ditch. He requested that a 50-foot setback be put in place along the length of the ditch.

Tristan Riddell, June 3, 2008

USE for all  
district

## EXHIBIT A-5

**H**amilton  
Rural Fire  
DISTRICT

Consensus of All Valley Fire  
Council.

Ravalli County Planning Dept.

IC-05-09-1707

Post Office Box 1994 Hamilton, MT 59840

### FIRE PROTECTION STANDARDS

The following Fire Protection Standards were adopted on September 6, 2005.

The Hamilton Rural Fire District has established the Fire Protection Standards for proposed new subdivisions within the district. The requirements were established with consideration for the life and safety of the residents of the district, as well as the volunteer firemen who protect the district, and to mitigate possible harm to the general public.

In establishing the requirements, emphasis was given to the NFPA 1, Chapter 18, The Ravalli County Subdivision Regulations, The Ravalli County Road Department Standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire - protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1, Chapter 18, and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given in the above-mentioned publications.

#### ACCESS ROADS

The Fire District requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the NFPA 1, Chapter 18, which reads in part:

**18.2.2.3.1 Required Access.** Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720-mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

**18.2.2.5.1 Dimensions.** Fire apparatus access roads shall have an unobstructed travel surface not less than 22-feet in width, which may include a two foot shoulder on each side of an 18-foot wide travel surface, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

**18.2.2.5.2 Surface.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

**18.2.2.5.6 Grade.** The gradient for a fire apparatus access road shall not exceed the maximum approved by the fire chief. The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County which sets the maximum acceptable road grade at ten percent (10%).

**EXCEPTIONS: 1.** When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

**While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and Ravalli County Standards.**

**SPECIFIC REQUIREMENTS:**

The Fire District requests that all lots (premises) meet the requirements of NFPA 1, Section 18.2.2.5.7 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above NFPA 1.

**BUILDING STANDARDS**

The Fire District will request that all buildings be built to IRBC codes in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

**WATER SUPPLY**

The water supply required by the NFPA 1 for one or two family dwellings, not exceeding 3,600 square feet, requires a flow rate of 1,000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guidelines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2,500 gallons per lot, or 1,000 gallons per minute flow from municipal water systems.

In order to obtain and maintain a Class 5 ISO rating, the Hamilton Volunteer Fire Department is required to flow 500 gallons and maintain this flow for 120 minutes. By ISO standards this is usually sufficient to protect single-family dwellings with adequate spacing between structures. ISO uses the following flow rates, from their *Guide for Determination of Needed Fire Flow*, Chapter 7, when considering adequate coverage for density:

Distance Between Buildings	Needed Fire Flow
More than 100'	500 gpm
31 - 100'	750 gpm
11 - 30'	1,000 gpm
10' or less	1,500 gpm

The Hamilton Rural Fire District will use these fire flows for all subdivisions of single-family dwellings with less than 10 lots. All developments of single-family dwellings with 10 or more lots require a minimum of 1,000 gallons per minute. All commercial, industrial, or multi-family dwellings requiring higher fire flows will have to be engineered by the developer to determine needed fire flows.

Any development in the rural area, with density requiring more than the 500 gallons per minute being supplied by the Hamilton Volunteer Fire Department, will be requested to supply the difference. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$500.00 per lot will be due upon approval of the subdivision. The Fire District will use funds paid in lieu of the water supply required by the NFPA 1 to maintain or improve fire protection within the district, for the development of water supplies, or capital improvements.

**EXCEPTIONS: 1.** When all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$250.00 payment, regardless of whether they have sprinklers in residences located on them or not.

# EXHIBIT A-6

JUN 02 2008  
100806-715  
Ravalli County Planning Dept.



CORVALLIS RURAL FIRE DISTRICT  
PO BOX 13  
CORVALLIS, MT 59828  
(406) 961-4432

May 29, 2008

Planning Department  
215 South 4<sup>th</sup> Street, Suite F  
Hamilton, MT 59840

Re: Corvallis Rural Fire District/Subdivision Fees

To Whom It May Concern:

Enclosed please find a copy of our Resolution No. 08-04. After review of our actual expenses for hydrants, water tenders, and water supplies since inception of the subdivision fees, we have determined that we have spent over \$900.00 a lot for water supply. The Corvallis Rural Fire District has adopted Resolution 08-04 effective immediately and asks that you please change your documentation requesting \$500.00 a lot to \$900.00 a lot in lieu of a water source.

Thank you,

A handwritten signature in black ink, appearing to read "James Knapp".

Chief James Knapp  
Corvallis Rural Fire District  
(406) 360-4371



CORVALLIS RURAL FIRE DISTRICT  
PO BOX 13  
CORVALLIS, MT 59828

## RESOLUTION # 08-04

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE CORVALLIS RURAL FIRE DISTRICT RELATING TO INCREASING SUBDIVISION FEES FOR WATER SUPPLIES:

WHEREAS, the district has imposed a fee for subdivisions without water systems so the district is able to purchase water carrying firefighting apparatus or develop water supplies; and,

WHEREAS, when establishing the requirements, emphasis was given to the Uniform Fire code, Articles 9 and 10, and Appendix III-S, the Ravalli County Subdivision Regulations, the Ravalli County Road Department standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development; and,

WHEREAS, in order for the Corvallis Rural Fire District to be properly equipped to protect life and property of the residents of the district, as well as the personnel who are called upon to protect the district, and to mitigate harm to the public health and environment; and

WHEREAS, the district has tracked expenditures for water carrying firefighting apparatus and developing water supply and feels the current subdivision fee is not adequate.

THEREFOR BE IT RESOLVED BY THE BOARD OF TRUSTEES THAT:

The Corvallis Rural Fire District has raised the required subdivision fee to \$900.00 per lot effective immediately.

PASSED AND APPROVED THIS 21<sup>st</sup> DAY OF May, 2008.

BOARD MEMBER SIGNATURES

BOARD MEMBER SIGNATURES

*[Signature]*  
14

*[Signature]*  
James E. ...

*[Signature]*



# Corvallis School District

P.O. Box 700 / 1045 Main  
Corvallis, MT 59828

Phone: (406) 961-4211 Fax: (406) 961-5144

## EXHIBIT A-7

**Daniel B. Sybrant**  
Superintendent  
961-4211

**Trevor Laboski**  
Principal  
High School  
961-3201

**Jason Wirt**  
Assistant Principal  
High School  
961-3201

**Rich Durgin**  
Principal  
Middle School  
961-3007

**Eric Larson**  
Assistant Principal  
Middle School  
961-3007

**Janice Stranahan**  
Principal  
Primary School  
961-3261

**Virginia Haines**  
Special Services  
Director  
961-3201

**Russ Hendrickson**  
Technology Director  
961-3201

**Wendy Ihde**  
Curriculum Director  
961-8772

**Vannesa Bargfrede**  
Business Manager  
District Clerk  
961-4211

October 25, 2007

Mr. Tristan Riddell  
Planning Department  
215 South 4<sup>th</sup> Street, Suite  
Hamilton Montana 59840

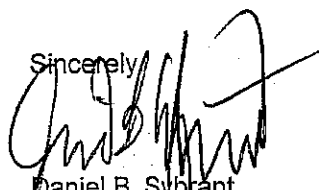
Agency Comment on Bella Sera minor Subdivision

Dear Mr. Riddell:

Thank you for the opportunity to comment on this subdivision. New subdivisions certainly create added costs to this school district. Not only is there cost for operations, but facilities as well. The Corvallis School District has recently completed an Impact Fee Study that allows up to \$7300 per septic permit for school construction. In addition to this, we have significant costs for operations for each additional student that comes into the district. I have enclosed for your review an estimate of what it costs to educate children in the Corvallis School District. For this and future subdivision requests, we ask you and the commissioners to negotiate a fair fee with developers that will help offset the actual costs of educating additional children. We also ask for appropriate bus turnouts as well as shelters for students to stand under in inclement weather where appropriate.

Again, thank you for the opportunity to comment on this subdivision.

Sincerely,

  
Daniel B. Sybrant  
Superintendent  
Corvallis School District

### RECEIVED

OCT 29 2007

PC-07-10-1373  
Ravalli County Planning Dept.

# EXHIBIT A-8

## Budget Per Pupil/Tax Levy Per Pupil

Year 2007-2008

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	9,246,716	1,413	6,544
Stevensville Elem	4,313,675	615	7,014
Stevensville HS	3,844,872	426	9,026
Hamilton	10,696,135	1,616	6,619
Victor	2,354,712	349	6,747
Darby	3,918,507	435	9,008
Lone Rock Elem	2,010,732	301	6,680
Florence	6,004,225	898	6,686

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect budget and revenue only from state, county and local sources.

School	Total Tax Except Capital	Students October Count	County & State Levy*	Tax Levy Per Pupil Exc Capital	Total Capital	Per Pupil Tax Capital	Total Tax Levy Inc Capital	Tax Levy Per Pupil Inc Capital
Corvallis	1,894,368	1,413	941,511	2,007	166,126	117.57	3,002,005	2,125
Stevensville Elem	1,077,017	615	412,448	2,422	120,541	196.00	1,610,006	2,618
Stevensville HS	818,794	426	329,287	2,695			1,148,081	2,695
Hamilton	2,714,396	1,616	1,050,013	2,329	909,210	562.63	4,673,619	2,892
Victor	468,192	349	202,861	1,923	297,013	851.04	968,066	2,774
Darby	1,022,738	435	371,211	3,204		0.00	1,393,949	3,204
Lone Rock Elem	432,039	301	223,920	2,179	102,211	339.57	758,170	2,519
Florence	1,234,419	898	776,153	2,239	24,542	27.33	2,035,114	2,266

NOTE: \* County levied Retirement and Transportation

# EXHIBIT A-9

Randy Fifrick

---

**From:** Jeffrey, Robert [rjeffrey@mt.gov]  
**Sent:** Monday, December 31, 2007 12:22 PM  
**To:** Randy Fifrick  
**Cc:** Habeck, Bob; Wolfe, Debra; Merchant, Eric; Lea Jordan; Morgan Farrell  
**Subject:** RE: Ravalli Co Air Quality

Hi Randy-

Thanks for your questions and sorry for my delayed reply - the demands of the holiday season caught up to me after our Dec. 12th meeting in Hamilton. Before I comment on your wood stove covenant, I would like to caveat my reply and state that I assume the subdivision review and approval process in Ravalli County stresses energy conservation as a very high priority, if not the highest, and it specifically discusses energy conservation in new home/business/commercial construction. In my opinion, it's purely a matter of common sense to stress energy conservation first before one decides on the selection of heating and cooling systems. With those comments in mind, I would slightly revise the text of your wood stove covenant to read as follows:

**Wood Stoves.** The County recommends that home owners refrain from installing wood stoves if possible. The county further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the county strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers a generous Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deg.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Effects on the Natural Environment*)

Thanks for sharing this wood stove covenant statement with us. On the subject of education, DEQ is contemplating the revision of one of our older educational brochures on how to properly operate a wood stove to reduce air pollution. If DEQ were to print copies of a revised wood burning brochure, would the Ravalli County planning department consider including a copy of that brochure in their correspondence with building permit applicants? Thanks for partnering with DEQ as we work on improving and protecting the air quality in the Bitterroot Valley. If you have any questions, please contact me. Bob

Robert K. Jeffrey  
Air Quality Specialist  
Air Resources Management Bureau  
MT Dept. of Environmental Quality  
(406) 444-5280; fax 444-1499  
Email: [rjeffrey@mt.gov](mailto:rjeffrey@mt.gov)

---

**From:** Randy Fifrick [<mailto:rfifrick@ravallcounty.mt.gov>]  
**Sent:** Thursday, December 13, 2007 1:49 PM  
**To:** Jeffrey, Robert

1/16/2008

**Subject:** Ravalli Co Air Quality

Hi Robert,

I attended your initial meeting Wednesday afternoon in the Commissioners room. I work primarily on subdivision review for the county. Currently we include the following covenant in the conditional approval of new subdivisions:

**Wood Stoves.** The County recommends that home owners install EPA-certified wood stoves to reduce air pollution. It is recommended that wood burning stoves are not the primary heat source. More information is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Credit (<http://mt.gov/Revenue/energyconservation.asp>) for the cost of purchasing and installing a low emission wood or biomass combustion device such as a pallet or wood stove. (*Effects on the Natural Environment*)

Currently we can not do anything more than recommend this condition as our legal counsel has advised us anything more would be to close to a building code. The Planning Dept feels like education is important aspect of improving air quality in Ravalli County and we hope that this statement helps to educate the public.

What do you think of this statement and is there anything else we could do through our subdivision review process to mitigate the effects of new development on air quality in the county.

Thanks,

Randy Fifrick  
Ravalli County Assistant Planner  
215 S 4th St, Suite F  
Hamilton, MT 59840  
406-375-6530  
[rfifrick@ravallicounty.mt.gov](mailto:rfifrick@ravallicounty.mt.gov)

1/16/2008

## SUBDIVISION APPLICATION PACKET CHECKLIST - Water

## EXHIBIT A-10

Name of Subdivision:

BELLA SERA

RECEIVED

Subdivider/Landowner Name(s):

SH. ADAMS

SEP 27 2007

Consultant Name:

KAM

IC 07-09-1231  
Bavali County Planning Dept.

Date Received:

Sufficiency Review Due Date:

Yes	No	N/A	Item	Additional Information/Staff comments
-----	----	-----	------	---------------------------------------

(1) Unless the land division is excluded from review under 76-4-125(2), the subdivider shall submit to the information listed below for proposed subdivisions that will include new water supply or wastewater facilities.

			Provide two copies of the following information with a check paid to RCEHD for their \$50.00 sufficiency review fee.	
			(a) Vicinity Map or Plan	
			(i) The location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of:	
			(A) flood plains	
			(B) surface water features	
			(C) springs	
			(D) irrigation ditches	
			(E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems	
			(F) for parcels less than 20 acres, mixing zones identified as provided in subsection (1)(g).	
			(G) the representative drainfield site used for the soil profile description as required under subsection (1)(d)	
			(ii) The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities	
			(b) A description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by DEQ.	
			(c) A drawing of the conceptual lot layout at a scale no smaller than 1" = 200' that shows all information required for a lot layout document in rules adopted by the DEQ pursuant to 76-4-104.	

Yes	No	N/A	Item	Additional Information/Staff comments
			(d) Evidence of suitability for new onsite wastewater treatment systems that, at a minimum, includes:	
			(i) A soil profile description from a representative drainfield site identified on the vicinity map, as provided in subsection (1)(a)(i)(G), that complies with standards published by DEQ.	
			(ii) Demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer.	
			(iii) In cases in which the soil profile or other information indicates that ground water is within 7 feet of the natural ground surface, evidence that the ground water will not exceed the minimum vertical separation distance provided in subsection (1)(d)(ii);	
			(e) For new water supply systems, unless cisterns are proposed, evidence of adequate water availability:	
			(i) obtained from well logs or testing of onsite or nearby wells;	
			(ii) obtained from information contained in published hydrogeological reports; <u>OR</u>	
			(iii) as otherwise specified by rules adopted by DEQ pursuant to 76-4-104;	
			(f) Evidence of sufficient water quality in accordance with rules adopted by DEQ pursuant to 76-4-104;	
			(g) A preliminary analysis of potential impacts to ground water quality from new wastewater treatment systems, using as guidance rules adopted by the board of environmental review pursuant to 75-5-301 and 75-5-303 related to standard mixing zones for ground water, source specific mixing zones, and nonsignificant changes in water quality.	The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection (1)(g), the subdivider may perform a complete nondegradation analysis in the same manner as is required for an application that is reviewed under Title 76, chapter 4.



# EXHIBIT A-11

## Montana Fish, Wildlife & Parks

Region 2 Office  
3201 Spurgin Road  
Missoula, MT 59804-3101  
406-542-5500  
Fax 406-542-5529  
May 10, 2007

George Marshall  
Alcyon, LLC  
PO Box 218  
Hamilton, MT 59840-0218

Reference: Bella Sera (Tract 1, COS 506433; Shimmon)--Proposed minor (3 lots on 35.3 acres; range 10.8-13.1 acres each) subdivision, ~4 miles NE of Hamilton

Dear Mr. Marshall:

We have reviewed the preliminary plat and aerial photo you provided for this proposed subdivision. We also reviewed this parcel and its surrounds on the Montana Cadastral website (<http://gis.mt.gov/>) and the US Geological Survey topographic map for this locale. Based on evaluating this information and our field knowledge of this location, we note and recommend the following:

This subdivision is located in the foothills of the Sapphire Mountains, in the Charleys Gulch portion of the Willow Creek drainage. FWP's Calf Creek Wildlife Management Area, located one and a half miles east of this subdivision, was purchased as winter range for elk. Wildlife such as elk, deer, coyote, fox, and skunk are found in the area of this subdivision, as well as black bear and possible mountain lion, and numerous small mammal and bird species. There is a high probability of human/wildlife conflicts at this location if residents do not pay attention to careful handling of garbage, storing of attractants, and pet control. We recommend that a "living with wildlife" section be included as covenants for this subdivision in order to help residents deal with and avoid potential wildlife issues. We have attached a copy of our recommended covenants.

We thank you for providing the opportunity for FWP to comment on this subdivision.

Sincerely,

/s/ Mack Long

Mack Long  
Regional Supervisor

ML/sr

C: Ravalli County Planning Department, Attn: Renee Van Hoven, 215 S. 4 St., Ste. F, Hamilton, MT 59840

## **Section \_\_: Living with Wildlife**

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, coyote, fox, skunk, raccoon and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at [www.fwp.mt.gov](http://www.fwp.mt.gov).

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

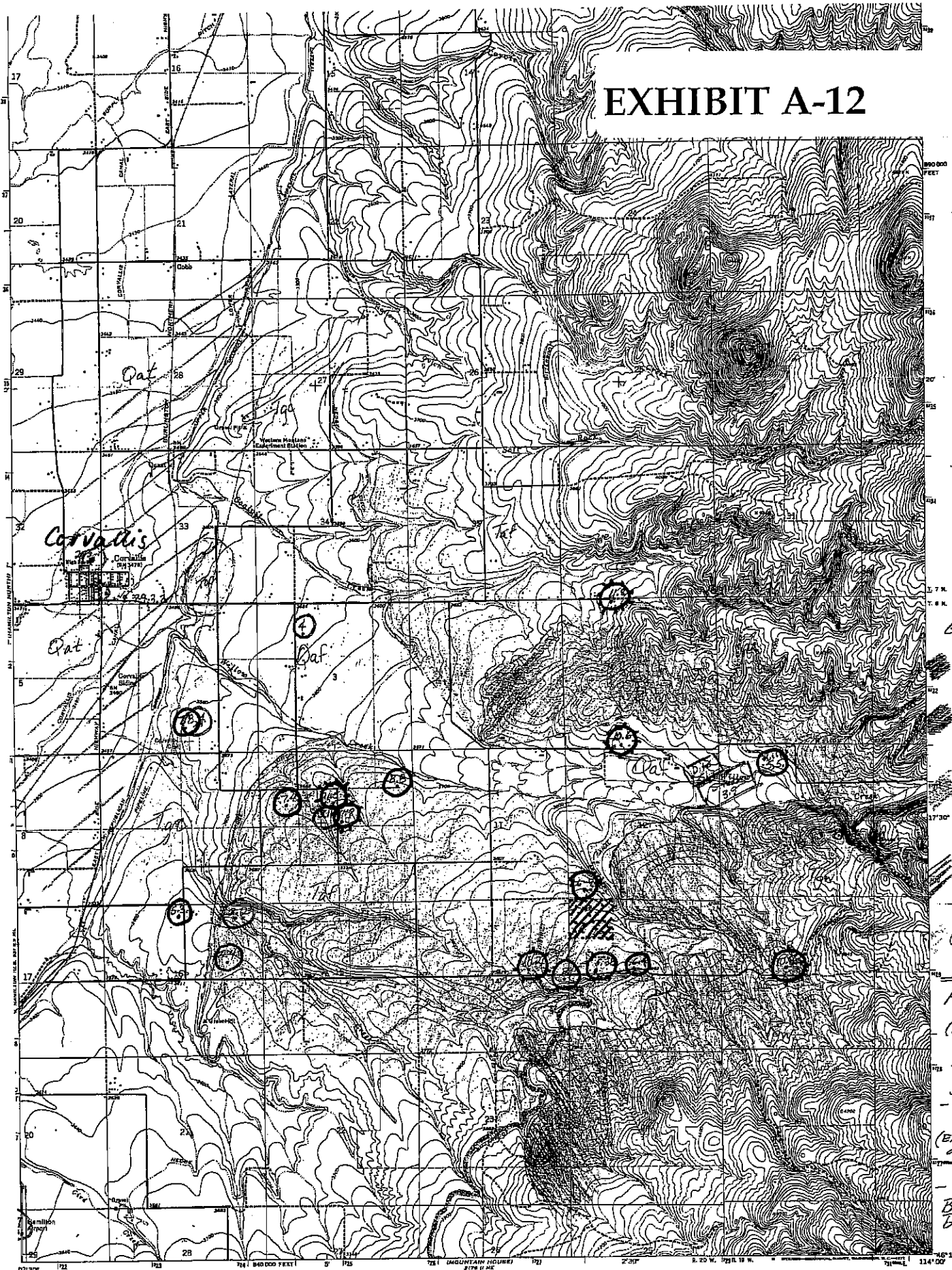
- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from elk and deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners must be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on "all-species electric fencing" designed to exclude wildlife from gardens and/or home areas.)
- c. **Garbage** should be stored in secure animal-resistant containers or indoors to avoid attracting animals such as bears, raccoons, and other wildlife. If stored indoors, do not set garbage cans out until the morning of garbage pickup and bring them in no later than that evening.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide



supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.

- e. **Birdseed in bird feeders** attracts bears. If used, bird feeders must: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- g. **Pet food and/or livestock feed** should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals such as bear, skunk or magpie do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer and elk becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps.
- k. **Apiaries (bee hives)** could attract bears in this area. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- l. These wildlife covenants cannot be changed or eliminated without the concurrence of the governing body (Ravalli County Commissioners).

# EXHIBIT A-12



## KEY

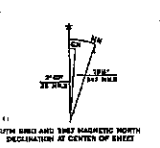
### Geology:

- Tgw - granodiorite (Willow Cr. Stock)
- Taf - Alluvial fan derived from Tgw (older)
- Tgc - River deposits from the ancestral Bitterroot
- Qat - Alluvial terrace - Bitterroot
- Qaf - alluvial fan - young

### Arsenic Concentration

- (all values in parts per billion)
- < 5 ppb
- 5-9 ppb
- 10 + higher (Exceeds drinking water standard)
- Below Detection

Maped, edited, and published by the Geological Survey  
 Control by USGS and USGARS  
 Topography by photogrammetric methods from aerial  
 photographs taken 1966. Field checked 1967  
 Polyconic projection, 1927 North American datum  
 10,000-foot grid based on Montana meridian line, south zone  
 1:50,000 scale Universal Transverse Mercator grid ticks,  
 zone 12, shown in blue  
 Fine red dashed lines indicate selected fence lines



SCALE 1:24,000  
 CONTOUR INTERVAL 20 FEET  
 DOTTED LINES REPRESENT 10-FOOT CONTOURS  
 DATUM IS MEAN SEA LEVEL

ROAD CLASSIFICATION  
 Medium-duty Light-duty  
 Unimproved dirt

CORVALLIS, MONT.  
 N4615-W11400/7.5  
 1967  
 AMR 3174 I DE-RECORD 784

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
 FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D.C. 20542  
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

DEPARTMENT OF GEOLOGY  
 UNIVERSITY OF MONTANA  
 MISSOULA, MONTANA 59801

# EXHIBIT B-1

November 26, 2007

RECEIVED

NOV 29 2007

IC-07-11-1491  
Ravalli County Planning Dept.

Via US Mail

Tristan Riddell, Planner  
Ravalli County Planning Department  
215 S. Fourth Street, Ste. F  
Hamilton, MT 59840

Dear Tristan:

We are writing in reference to the proposed subdivision called Bella Sera that we recently heard about. Ms. Joyce Shimmon was kind enough to discuss her plans and the steps she has taken to ensure that the project would be neighbor friendly and we are very excited about the prospect of no planes landing in our area. We especially liked that she visited with us and explained the planned covenants.

We are in favor of this small subdivision on many levels but mostly for the following reasons:

1. The rescission of air traffic to the parcel.
2. The restrictive covenants proposed.
3. The size of the subdivision with only large acreage.
4. The dedication to keeping it ranch style properties.
5. No real increase in traffic with only two new parcels.
6. Minimum impact on water etc.

We are very near this development and would have much to say if we thought it would negatively impact the area or our own quiet enjoyment of our property.

Sincerely,

*Cudahy L. Lewy Diane E. Lewy*

Cudahy and Diane Lewy  
1014 Hamilton Heights Road  
Corvallis, Montana 59828

## EXHIBIT B-2

Dick & Kim Murphy

RECEIVED

NOV 30 2007  
IC-07-11-1500  
Ravalli County Planning Dept.

525 Davidson Lane  
P. O. Box 40  
Corvallis, MT 59828  
406-961-1290

November 28, 2007

Tristan Riddell, Planner  
Ravalli County Planning Department  
215 S. Fourth Street, Ste. F  
Hamilton, MT 59840

Dear Mr. Riddell,

Re: Bella Sera Subdivision

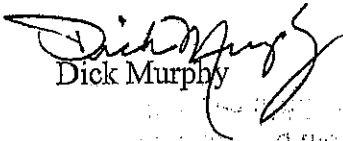
We are **opposed** to the proposed subdivision of Joyce Shimmon, the Bella Sera Subdivision, located off of Hamilton Heights Road in Corvallis.

The building site envelope would place a structure squarely in our line of view of the mountains and the open land adjacent to our property, the very reason we chose to buy in this beautiful valley.

Additionally, the water rights issue will cause undue stress on a situation that is currently divisive among users and neighbors. At present, the allocated water exceeds the supply of the ditch and additional users will only exasperate this situation.

The proposed covenants are unenforceable as written. There are no specific guidelines for violations.

Sincerely,

  
Dick Murphy

# EXHIBIT B-3

RECEIVED

DEC 04 2007

LC 07-12-1509

Bayall County Planning Dept.

Ra. Bella Seas Subdivision

Dear Planning Board members,

Although it is sad to see more homes being built in our neighborhood and our agriculture land being depleted but by but, we realize that this is progress. Our neighborhoods change just as our ancestors saw changes in their neighborhoods.

We do appreciate the fact that Joyce will be adding only 2 homes. Better than her selling the acreage & someone else subdividing into more parcels.

Our concern is irrigation out of the rock ditch. We do have the oldest night (1859) out of the ditch, but being lost on the ditch it is often a struggle keeping our sprinklers going. It is pretty frustrating having to go out & turn on & wait for sprinklers to build up pressure several times a day! (over)

It seems that some of these new homes  
being built along the ditch think that  
they have the right to irrigate out of the  
ditch - thus depleting the volume of  
water we need to keep our sprinklers  
going!

George &  
Marilynn Frost

## EXHIBIT B-4

Daniel Haas  
451 Laurie Way  
Corvallis, Montana 59828  
406-363-8585

RECEIVED

DEC 05 2007  
LC-07-12-1516  
Ravalli County Planning Dept.

December 5, 2007

Tristan Riddell, Planner  
Ravalli County Planning Department  
215 South Fourth Street, Suite F  
Hamilton, Montana 59840

Re: Bella Sera Subdivision

Dear Tristan:

I am sending this letter on behalf of Joyce Shimmon regarding her Bella Sera subdivision. Her property is adjacent to mine (under the ownership of Haas Investments I, LLC). Her west boundary and my east boundary are the same.

My thoughts are that if a proposed subdivision does not adversely impact any surrounding land owners, then the subdivision should be approved. In my opinion three homes on 38 acres is not even a subdivision.

I fully support the Bella Sera subdivision with all of its three lots. The wells and septic tanks (leach fields) should not cause a problem to any of the surrounding property owners. The access road which comes off of Hamilton Heights is sufficiently wide to allow for traffic (constructed per County standards for a subdivision). Finally, I believe that the covenants (CC&R's) Joyce is proposing for the Bella Sera subdivision will bring added value to our area of the Bitterroot Valley.

Thank you for your consideration on this issue.

Respectfully submitted,

*Dan Haas*

Daniel Haas  
Manager, Haas Investments I, LLC